

HOUSE BILL 1273

By Lynn

AN ACT to amend Tennessee Code Annotated, Title 4 and
Title 50, relative to employment eligibility
verification.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, is amended by inserting sections 2 through 7 below as a new, appropriately designated part thereto.

SECTION 2. This part shall be known and may be cited as the "Tennessee Employment Verification Act."

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Basic pilot program" means the federal electronic work authorization verification service provided by the United States department of homeland security pursuant to the federal Basic Pilot Program Extension and Expansion Act of 2003;

(2) "Employee" means an individual performing or applying for work or service of any kind or character for hire;

(3) "Employer" means a person employing or seeking to employ any individual for hire;

(4) "Employment" means the act of employing or the state of being employed, engaged, or hired;

(5) "State" means any of the following of the state:

(A) A department;

(B) A division;

(C) A commission;

(D) A council;

(E) A board;

- (F) A bureau;
- (G) A committee;
- (H) An institution;
- (I) An authority;
- (J) The general assembly;
- (K) The judiciary;
- (L) A government corporation; or
- (M) Other establishment, official, or employee.

SECTION 4. On and after August 1, 2007, any employer in this state, including the state or a political subdivision of the state, prior to hiring any employee shall verify the employment eligibility of the employee by participating in the basic verification pilot program. Each such employer shall maintain a copy of documentation verifying the eligibility of the applicant for a period of no less than three (3) years.

SECTION 5. On and after August 1, 2007, the state shall require any bid proposal submitted as a response to a request for proposals to procure supplies, services, and construction needed by the state to include a copy of the documentation required to be maintained pursuant to this part, or a signed and sworn affidavit attesting that the person submitting the bid proposal has complied with the requirements of this part, along with such bid proposal.

SECTION 6. The commissioner is authorized to promulgate rules and regulations to enforce the provisions of this part in the commissioner's discretion. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 7. This part shall be interpreted so as to be fully consistent with all federal immigration and labor laws and all state labor laws.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect July 1, 2007, the public welfare requiring it.